

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHRISTOPHER M RAINE,)

Plaintiff,)

vs.)

MICHAEL P RANDLE, et al.,)

Defendants.)

Case No.: 3:10-cv-00347-JPG -PMF

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

In its initial screening Order (Doc. 6) on November 15, 2010, the Court dismissed two of the three named Defendants from this action with prejudice. *See* Doc. 6 at 6. The Court allowed the case continue against Defendant Evans, the Warden at Big Muddy River Correctional Center, even though no specific claims were identified in the complaint with regard to him. *See id* at 4. The Court reasoned that because the Plaintiff had failed to identify the parties that were deliberately indifferent to his serious medical needs, the action could continue against Defendant Evans until the Plaintiff had an opportunity to conduct discovery and amend his complaint to identify the correct parties by name. *See id*.

On January 25, 2011, the Court entered a scheduling and discovery Order that gave the Plaintiff a deadline of April 25, 2011 to file a motion for leave to amend the complaint to add the correct parties. *See* Doc. 13. Plaintiff has failed to file a motion for leave to amend his complaint by the stated deadline.

RECOMMENDATION

For the foregoing reasons, it is **RECOMMENDED** that Defendant Evans be **DISMISSED** from this case. If the District Judge adopts this Report and Recommendation, there will be no further issues requiring the Court's attention in this case.

SO RECOMMENDED.

DATED: May 12, 2011.

/s/ Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE